



Montana Legislative History

Chapter: 401 Session L: 2023

Bill Number: SB 143

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	n/a
Third Reading Bill	X
Final Version of Bill	X

House

Committee: Local
Government

Hearing Date(s):

[March 21, 2023](#)

[March 25, 2023](#)

(Executive Action)

Senate

Committee: Local Government

Hearing Date(s):

[Jan. 16, 2023](#)

[Jan. 18, 2023](#) (Executive Action)

Conference Committee

n/a

Compiler Notes

Compiled by: sg

Date: 9/17/2023

Notes:

Bill Explorer - SB 143: Allow for a referendum to terminate citizen initiated zoning district

Summary

Sponsoredby: [Esp, John](#)
(R) SD 30

Progress		
Status	Date	Passed
Introduced	01/10/23	✓
Passed (S) Committee	01/19/23	✓
Passed Senate	01/25/23	✓
Passed (H) Committee	03/27/23	✓
Passed House	04/07/23	✓
To Governor	04/13/23	✓

Draft #	LC3562
Amendment(s)	No
Chapter #	401
Current Status	Chapter Number Assigned
Co-Sponsor(s)	None
Drafter	Henneman, Toni

Requester	Esp, John
Fiscal Note	No
Preintroduction Required	No
Category	General Bills
Subject(s)	Planning and Development, Local Government (see also: City Subjects; County Subjects),
Transmittal Date	03/03/23
Return Date	04/18/23

Sections Affected	Effective Date	Qualifier
All Sections	05/03/2023	

Bill Explorer - SB 143: Allow for a referendum to terminate citizen initiated zoning district

Status

Date	Action	Committee	Yes Votes	No Votes
05/04/23	Chapter Number Assigned			
05/03/23	(S) Signed by Governor			
04/26/23	(S) Transmitted to Governor			
04/26/23	(H) Signed by Speaker			
04/20/23	(S) Signed by President			
04/18/23	(C) Printed - Enrolled Version Available			
04/18/23	(S) Returned from Enrolling			
04/14/23	(S) Sent to Enrolling			
04/14/23	(H) Returned to Senate			
04/13/23	(H) 3rd Reading Concurred		64	36
04/13/23	(H) Scheduled for 3rd Reading			
04/12/23	(H) 2nd Reading Concurred		65	35
04/12/23	(H) Scheduled for 2nd Reading			
04/07/23	(H) Reconsidered Previous Action; Remains in 2nd Reading Process		50	41
04/07/23	(H) 2nd Reading Not Concurred		25	73

Date	Action	Committee	Yes Votes	No Votes
03/27/23	(H) Committee Report--Bill Concurred	(H) Local Government		
03/25/23	(H) Committee Executive Action--Bill Concurred	(H) Local Government	11	5
03/21/23	(H) Hearing	(H) Local Government		
02/17/23	(H) First Reading			
02/17/23	(H) Referred to Committee	(H) Local Government		
01/26/23	(S) Transmitted to House			
01/25/23	(S) 3rd Reading Passed		34	15
01/25/23	(S) Scheduled for 3rd Reading			
01/24/23	(S) 2nd Reading Passed		34	15
01/24/23	(S) Scheduled for 2nd Reading			
01/19/23	(C) Printed - New Version Available			
01/19/23	(S) Committee Report--Bill Passed as Amended	(S) Local Government		
01/18/23	(S) Committee Executive Action--Bill Passed as Amended	(S) Local Government	8	1
01/18/23	(C) Amendments Available			
01/16/23	(S) Hearing	(S) Local Government		
01/12/23	(C) Introduced Bill Text Available Electronically			

Date	Action	Committee	Yes Votes	No Votes
01/11/23	(S) Hearing Canceled	(S) Local Government		
01/10/23	(S) First Reading			
01/09/23	(S) Referred to Committee	(S) Local Government		
01/09/23	(S) Introduced			
01/09/23	(C) Draft Delivered to Requester			
01/05/23	(C) Draft Ready for Delivery			
01/03/23	(C) Executive Director Final Review			
01/03/23	(C) Draft Ready for Delivery			
01/03/23	(C) Draft in Assembly			
01/03/23	(C) Executive Director Review			
01/03/23	(C) Bill Draft Text Available Electronically			
01/03/23	(C) Draft in Final Drafter Review			
01/03/23	(C) Draft in Input/Proofing			
01/02/23	(C) Bill Draft Text Available Electronically			
01/02/23	(C) Draft in Final Drafter Review			
01/02/23	(C) Draft in Input/Proofing			
12/30/22	(C) Draft to Drafter - Edit Review			
12/30/22	(C) Draft in Edit			
12/29/22	(C) Draft in Legal Review			

Date	Action	Committee	Yes Votes	No Votes
12/21/22	(C) Draft to Requester for Review			
12/09/22	(C) Draft Request Received			

Showing 1 to 52 of 52 entries

Fiscal

Date	Status
No matching results found	
Fiscal Documents	
No matching results found	
Fiscal Rebuttals	
No matching results found	

Amendments

Amendment	Condensed Version
SB0143.001.001_Amendments-in-Context_final-full (1).pdf	No
SB0143.001.001_Amendments-in-Context_final-full.pdf	No
SB0143001SCS12900.slc.pdf	No

Documents And Links

Previous Versions

[SB0143_X.pdf](#)

[SB0143_2.pdf](#)

[SB0143_1.pdf](#)

Other

None

CHAPTER NO. 401

[SB 143]

AN ACT PROVIDING FOR A REFERENDUM TO TERMINATE A CITIZEN-INITIATED ZONING DISTRICT; REMOVING CERTAIN PROTEST PROVISIONS THAT HAVE BEEN INVALIDATED BY DISTRICT COURT; AMENDING SECTION 76-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-2-101, MCA, is amended to read:

“76-2-101. Planning and zoning commission and district.

(1) Subject to the provisions of ~~subsections (5) and (6)~~ *subsection (5)*, whenever the public interest or convenience may require and ~~upon~~ *on* petition of 60% of the affected real property owners in the proposed district, the board of county commissioners may create a planning and zoning district and may appoint a planning and zoning commission consisting of up to seven members.

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word “district” means any area that consists of not less than 40 acres.

(4) ~~Except as provided in subsection (5), an~~ *An* action challenging the ~~creation of process to create~~ a planning and zoning district must begin within 6 months after the date of the order by the board of county commissioners creating the district.

~~(5) If real property owners representing 50% of the titled property ownership in the district protest the establishment of the district within 90 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year.~~

~~(6)(5)~~ (a) Before the board of county commissioners determines whether the number of affected real property owners necessary to meet the petition requirement of subsection (1) has been met, draft documents of the proposed materials that may potentially govern the proposed district must be made available to the board of county commissioners. Draft documents of the proposed materials required in this subsection ~~(6) (5)~~ may include but are not limited to drafts of:

(i) a development pattern as provided in 76-2-104;

(ii) a resolution as provided in 76-2-107; and

(iii) the land use and zoning regulations as provided in 76-2-107.

(b) The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be similar to the draft documents provided to the county commissioners as required in subsection ~~(6)(a)~~ *(5)(a)*.”

Section 2. Referendum to terminate zoning district. (1) Real property owners in a zoning district may petition the board of county commissioners to submit a referendum to the registered electors residing in the zoning district to terminate the zoning district. The petition must be in writing and contain the signatures and addresses of 20% or more of the real property owners in the zoning district. The petition requesting a referendum for the termination of a zoning district must be delivered to the county clerk and recorder, who shall endorse on it the date when the petition was received and validate the signatures within 60 days of receipt of the petition. If the petition contains

valid signatures of at least 20% of the real property owners within the zoning district, the county clerk and recorder shall notify the county commissioners.

(2) On receipt of a valid petition described in subsection (1), the county commissioners shall submit the referendum to the registered electors residing in the district in an election conducted pursuant to Title 13, chapter 1, part 4 or 5

(3) If the referendum described in subsection (1) and conducted under subsection (2) is not successful, the real property owners in the zoning district may not bring forth a subsequent referendum petition for 3 years from the date that the original referendum was submitted to the registered electors pursuant to subsection (2).

Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 2].

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Applicability. [This act] applies to zoning districts created pursuant to Title 76, chapter 2, part 1, on or after January 1, 2023.

Approved May 3, 2023

CHAPTER NO. 402

[SB 154]

AN ACT DEFINING THE RIGHT TO INDIVIDUAL PRIVACY; CLARIFYING THE RIGHT OF PRIVACY DOES NOT INCLUDE THE RIGHT TO ABORTION.

Be it enacted by the Legislature of the State of Montana:

Section 1. Construction of right of individual privacy. The right of individual privacy as referenced in the Montana constitution, the Montana Code Annotated, or the Administrative Rules of Montana does not create, and may not be construed as creating or recognizing, a right to abortion or to governmental funding of abortion.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 1, chapter 2, part 1, and the provisions of Title 1, chapter 2, part 1, apply to [section 1].

Approved May 3, 2023

CHAPTER NO. 403

[SB 155]

AN ACT ADOPTING AN INTERSTATE OCCUPATIONAL THERAPY LICENSURE COMPACT, WHICH INCLUDES RULEMAKING PROVISIONS; AND PROVIDING A PROCESS FOR CRIMINAL RECORD BACKGROUND CHECKS.

Be it enacted by the Legislature of the State of Montana:

Section 1. Occupational therapy licensure compact enactment – provisions. The Occupational Therapy Licensure Compact is enacted into law and entered into with all jurisdictions legally joining in the compact, in the form substantially as set forth below.

SECTION 1. PURPOSE

The purpose of this compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The practice of occupational therapy occurs in the state where the

SENATE BILL NO. 143

INTRODUCED BY J. ESP

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A REFERENDUM TO TERMINATE A CITIZEN-INITIATED ZONING DISTRICT; REMOVING CERTAIN PROTEST PROVISIONS THAT HAVE BEEN INVALIDATED BY DISTRICT COURT; AMENDING SECTION 76-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-101, MCA, is amended to read:

"76-2-101. Planning and zoning commission and district. (1) Subject to the provisions of ~~subsections (5) and (6)~~ subsection (5), whenever the public interest or convenience may require and ~~upon~~ on petition of 60% of the affected real property owners in the proposed district, the board of county commissioners may create a planning and zoning district and may appoint a planning and zoning commission consisting of up to seven members.

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" means any area that consists of not less than 40 acres.

(4) ~~Except as provided in subsection (5), an~~ An action challenging the ~~creation of~~ process to create a planning and zoning district must begin within 6 months after the date of the order by the board of county commissioners creating the district.

~~(5) If real property owners representing 50% of the titled property ownership in the district protest the establishment of the district within 90 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year.~~

~~(6)~~(5) (a) Before the board of county commissioners determines whether the number of affected real

property owners necessary to meet the petition requirement of subsection (1) has been met, draft documents of the proposed materials that may potentially govern the proposed district must be made available to the board of county commissioners. Draft documents of the proposed materials required in this subsection ~~(6)~~ (5) may include but are not limited to drafts of:

- (i) a development pattern as provided in 76-2-104;
- (ii) a resolution as provided in 76-2-107; and
- (iii) the land use and zoning regulations as provided in 76-2-107.

(b) The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be similar to the draft documents provided to the county commissioners as required in subsection ~~(6)(a)~~ (5)(a)."

NEW SECTION. Section 2. Referendum to terminate zoning district. (1) Real property owners in a zoning district may petition the board of county commissioners to submit a referendum to the registered electors residing in the zoning district to terminate the zoning district. The petition must be in writing and contain the signatures and addresses of 20% or more of the real property owners in the zoning district. The petition requesting a referendum for the termination of a zoning district must be delivered to the county clerk and recorder, who shall endorse on it the date when the petition was received and validate the signatures within 60 days of receipt of the petition. If the petition contains valid signatures of at least 20% of the real property owners within the zoning district, the county clerk and recorder shall notify the county commissioners.

(2) On receipt of a valid petition described in subsection (1), the county commissioners shall submit the referendum to the registered electors residing in the district in an election conducted pursuant to Title 13, chapter 1, part 4 or 5.

NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 2].

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

3 - END -

SENATE BILL NO. 143

INTRODUCED BY J. ESP

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A REFERENDUM TO TERMINATE A CITIZEN-INITIATED ZONING DISTRICT; REMOVING CERTAIN PROTEST PROVISIONS THAT HAVE BEEN INVALIDATED BY DISTRICT COURT; AMENDING SECTION 76-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

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(2) On receipt of a valid petition described in subsection (1), the county commissioners shall submit the referendum to the registered electors residing in the district in an election conducted pursuant to Title 13, chapter 1, part 4 or 5

(3) IF THE REFERENDUM DESCRIBED IN SUBSECTION (1) AND CONDUCTED UNDER SUBSECTION (2) IS NOT SUCCESSFUL, THE REAL PROPERTY OWNERS IN THE ZONING DISTRICT MAY NOT BRING FORTH A SUBSEQUENT REFERENDUM PETITION FOR 3 YEARS FROM THE DATE THAT THE ORIGINAL REFERENDUM WAS SUBMITTED TO THE REGISTERED ELECTORS PURSUANT TO SUBSECTION (2).

NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an

1 integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 2].

2

3 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

4

5 NEW SECTION. **Section 4. Applicability.** [This act] applies to zoning districts created pursuant to
6 Title 76, chapter 2, part 1, on or after January 1, 2023.

7

- END -



AN ACT PROVIDING FOR A REFERENDUM TO TERMINATE A CITIZEN-INITIATED ZONING DISTRICT;
REMOVING CERTAIN PROTEST PROVISIONS THAT HAVE BEEN INVALIDATED BY DISTRICT COURT;
AMENDING SECTION 76-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN
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Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 2].

Section 4. Effective date. [This act] is effective on passage and approval.

Section 4. Applicability. [This act] applies to zoning districts created pursuant to Title 76, chapter 2, part 1, on or after January 1, 2023.

- END -

I hereby certify that the within bill,
SB 143, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 143

INTRODUCED BY J. ESP

AN ACT PROVIDING FOR A REFERENDUM TO TERMINATE A CITIZEN-INITIATED ZONING DISTRICT;
REMOVING CERTAIN PROTEST PROVISIONS THAT HAVE BEEN INVALIDATED BY DISTRICT COURT;
AMENDING SECTION 76-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN
APPLICABILITY DATE.

MINUTES
MONTANA SENATE
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) LOCAL GOVERNMENT

Call to Order: Chair Sen. Chris Friedel-R, on January 16, 2023 at 1:53 PM, in 405

ROLL CALL

Members Present: Sen. Chris Friedel, Chair (R)
Sen. Mary Ann Dunwell, Vice Chair (D)
Sen. Jeremy Trebas (R)
Sen. Terry Vermeire (R)
Sen. Daniel Zolnikov (R)

Members Excused: Sen. Kenneth Bogner (R)
Sen. Ellie Boldman (D)
Sen. Forrest Mandeville (R)
Sen. Christopher Pope (D)

Staff Present: Toni Henneman, Research Analyst
Lorna Mason, Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

SB 142 01/11/2023

SB 143 01/11/2023

Executive Action:

SB 152 DO PASS AS AMENDED

HEARING ON SB 143 - Allow for a referendum to terminate citizen initiated zoning district

Opening Statement:

14:22:34 Sen. John Esp (R), SD 30, opened the hearing on SB 143, Allow for a referendum to terminate citizen initiated zoning district.

Proponent Testimony:

14:24:04 Charles Denown, Property Owners of Montana
14:25:36 Karen Alley, Montana Association of Counties (MACO)
14:26:03 Henry Kregel, Americans for Prosperity
14:28:23 Ann Hollowell, Citizen
14:28:59 Sen. Christopher Pope joined the meeting.
14:29:47 Sen. Forrest Mandeville joined the meeting.
14:30:34 Steve Wade, Montana Contractors Association
14:31:06 John Ostlund, Billings

Opponent Testimony:

14:33:38 Anne Hedges, Montana Environmental Informational Center (MEIC)
14:35:45 Sen. Kenneth Bogner joined the meeting.
14:36:53 Amy Seaman, Montana Audubon

Informational Witness Testimony:

None

Questions from Committee:

14:40:12 Sen. Jeremy Trebas
14:40:18 Chuck Denowh
14:40:43 Sen. Mary Ann Dunwell

14:40:48 Sen. John Esp-R
14:42:17 Sen. Mary Ann Dunwell
14:42:34 Sen. John Esp-R
14:43:24 Sen. Christopher Pope
14:44:03 Sen. Daniel Zolnikov left the meeting.
14:44:42 Sen. John Esp-R
14:45:30 Sen. Christopher Pope
14:46:06 Sen. John Esp-R
14:46:16 Sen. Christopher Pope
14:46:35 Karen Alley MT Association of Counties (MACo)
14:47:28 Sen. Christopher Pope
14:48:13 Karen Alley MT Association of Counties (MACo)

Closing Statement:

14:48:51 Sen. John Esp (R), SD 30, closed the hearing on SB 143.

HEARING ON SB 142 - Provide oversight of local impact fee laws

Opening Statement:

14:50:22 Sen. Keith Regier (R), SD 3, opened the hearing on SB 142, Provide oversight of local impact fee laws.

Proponent Testimony:

14:58:21 Paul Gillman, Citizen
15:02:34 William Halama, Citizen
15:04:26 Sen. Daniel Zolnikov joined the meeting.
15:06:04 William Burg, Citizen
15:11:19 Charles Denown, United Property Owners

Opponent Testimony:

15:12:50	Joe Briggs, Montana Association of Counties (MACO)
15:16:00	Mike Meis, Belgrade City
15:18:37	Russ Nelson, Mayor of Belgrade
15:21:56	Neil Cartwell, Belgrade City
15:25:38	Jim Kambich, Butte-Silver Bow
15:26:40	Sam Forstag, City of Bozeman/Missoula
15:27:40	Darryl James, Infrastructure Coalition
15:29:22	Kelly Lynch, Cities and Towns
15:32:14	Steve Turkiewicz, City of Billings
15:32:54	Dana Smith, City Manager of Whitefish

Informational Witness Testimony:

15:05:11	Mandy Rambo, Department of Commerce (DOC)
15:21:15	Rene Lemon, Self

Questions from Committee:

15:38:16	Sen. Daniel Zolnikov
15:38:22	William Halama Citizen
15:38:57	Sen. Daniel Zolnikov
15:39:22	Kelly Lynch (MTLCT)
15:39:33	Sen. Daniel Zolnikov
15:39:58	Kelly Lynch (MTLCT)
15:40:43	Sen. Daniel Zolnikov
15:40:53	Kelly Lynch (MTLCT)
15:41:30	Sen. Forrest Mandeville
15:41:45	Joe Briggs, Montana Associations of Counties

15:42:20 Sen. Forrest Mandeville
15:42:30 Joe Briggs Montana Association of Counties
15:42:42 Sen. Forrest Mandeville
15:42:46 Montana Association of Counties
15:43:45 Sen. Jeremy Trebas
15:44:18 Toni Henneman
15:44:21 Sen. Jeremy Trebas
15:44:37 Kelly Lynch (MTLCT)
15:45:52 Sen. Daniel Zolnikov
15:45:57 Joe Briggs Montana Association of Counties
15:49:03 Sen. Daniel Zolnikov
15:50:53 Joe Briggs Montana Association of Counties
15:53:14 Sen. Chris Friedel
15:53:32 William Halama
15:54:58 Sen. Chris Friedel
15:55:02 Dana Smith

Closing Statement:

15:55:38 Sen. Keith Regier (R), SD 3, closed the hearing on SB 142.

EXECUTIVE ACTION ON SB 152 - Revise minor subdivision laws

16:00:19 **Motion:** Sen. Forrest Mandeville moved that **SB 152 DO PASS.**
16:00:19 **Vote:** Motion failed unanimously by voice vote.
16:00:40 **Motion:** Sen. Forrest Mandeville moved that **SB 152 BE AMENDED.**

Discussion:

16:00:39 Sen. Mary Ann Dunwell

16:00:40 **Vote:** Motion carried unanimously by voice vote.

16:03:32 **Motion:** Sen. Forrest Mandeville moved that **SB 152 DO PASS AS AMENDED.**

16:03:32 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 16:24:52

Lorna Mason, Secretary

Additional Documents: [EXHIBIT\(230116LOSaad\)](#)

MINUTES
MONTANA SENATE
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) LOCAL GOVERNMENT

Call to Order: Chair Sen. Chris Friedel-R, on January 18, 2023 at 1:52 PM, in 405

ROLL CALL

Members Present: Sen. Chris Friedel, Chair (R)
Sen. Kenneth Bogner, Vice Chair (R)
Sen. Mary Ann Dunwell, Vice Chair (D)
Sen. Forrest Mandeville (R)
Sen. Christopher Pope (D)
Sen. Jeremy Trebas (R)

Members Excused: Sen. Ellie Boldman (D)
Sen. Terry Vermeire (R)
Sen. Daniel Zolnikov (R)

Staff Present: Toni Henneman, Research Analyst
Lorna Mason, Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

HB 67 01/13/2023
SB 170 01/16/2023
SB 173 01/16/2023

Executive Action:

SB 143 DO PASS AS AMENDED
HB 67
SB 173 DO PASS

HEARING ON HB 67 - Revise laws related to real estate appraisers

Opening Statement:

14:25:44 Rep. Nelly Nicol (D), HD 83, opened the hearing on HB 67, Revise laws related to real estate appraisers.

Proponent Testimony:

14:27:06 Eric Straus, Department of Labor and Industry

14:27:37 Sen. Terry Vermeire joined the meeting.

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

14:29:11 Sen. Forrest Mandeville

14:29:34 Sponsor

Closing Statement:

14:29:54 Rep. Nelly Nicol (D), HD 83, closed the hearing on HB 67.

HEARING ON SB 173 - Revise county road abandonment process laws

Opening Statement:

14:30:44 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 173, Revise county road abandonment process laws.

Proponent Testimony:

14:32:31 Roy Rost, Fallon County Commission

14:37:02 Karen Alley, Montana Association of Counties (MACO)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

14:41:01 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 173.

HEARING ON SB 170 - Allow for administrative minor subdivision process

Opening Statement:

14:41:37 Sen. Forrest Mandeville (R), SD 57, opened the hearing on SB 170, Allow for administrative minor subdivision process.

Proponent Testimony:

14:47:16 Andrew Hagemeyer, Montana Association of Planners (MAP)

14:51:11 Cory Shaw, Montana Association of Realtors

14:52:13 Ann Schwend, Sustainable Communities

14:53:57 Tim Worley, Missoula County

Opponent Testimony:

14:56:01 Karen Alley, Montana Association of Counties (MACO)

14:57:54 Sen. Daniel Zolnikov joined the meeting.

14:58:25 Sean O'Callaghan, Planner for Gallatin County

Informational Witness Testimony:

None

Questions from Committee:

15:02:55 Sen. Christopher Pope

15:07:52 Sen. Forrest Mandeville-R

15:08:15 Sen. Mary Ann Dunwell

15:10:40 Andrew Hagemeyer, MAP

Closing Statement:

15:10:59 Sen. Forrest Mandeville (R), SD 57, closed the hearing on SB 170.

EXECUTIVE ACTION ON SB 143 - Allow for a referendum to terminate citizen initiated zoning district

15:14:53 **Motion:** Sen. Kenneth Bogner moved that **SB 143 DO PASS.**

15:15:08 **Motion:** Sen. Kenneth Bogner moved that **SB 143 BE AMENDED.**

15:15:08 **Vote:** Motion carried unanimously by voice vote.

15:15:42 **Motion:** Sen. Kenneth Bogner moved that **SB 143 DO PASS AS AMENDED.**

15:15:42 **Vote:** Motion carried 8 - 1 by voice vote with Sen. Pope, voting no.

EXECUTIVE ACTION ON HB 67 - Revise laws related to real estate appraisers

15:16:47 **Motion:** Sen. Kenneth Bogner moved that **HB 67 BE CONCURRED IN.**

15:16:47 **Vote:** Motion carried unanimously by voice vote.

15:16:47 **Carrier Assigned:** Sen. Mary Ann Dunwell

EXECUTIVE ACTION ON SB 173 - Revise county road abandonment process laws

15:18:38 **Motion:** Sen. Kenneth Bogner moved that **SB 173 DO PASS.**

15:18:38 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 15:36:14

Lorna Mason, Secretary

Additional Documents: [EXHIBIT\(230118LOSaad\)](#)

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) LOCAL GOVERNMENT

Call to Order: Chair Marta Bertoglio-R, on March 21, 2023 at 3:00 PM, in 472

ROLL CALL

Members Present: Rep. Larry Brewster, Chair (R)
Rep. Marta Bertoglio, Vice Chair (R)
Rep. Jill Cohenour, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Sherry Essmann (R)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Scot Kerns (R)
Rep. Kelly Kortum (D)
Rep. Jennifer Lynch (D)
Rep. Linda Reksten (R)
Rep. Kerri Seekins-Crowe (R)
Rep. Courtenay Sprunger (R)
Rep. Katie Zolnikov (R)

Members Excused: Rep. Steve Gunderson (R)
Rep. Mark Thane (D)

Staff Present: Heather Kellum, Secretary
Laura Sankey Keip, Research Analyst

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

SB 143 03/14/2023
SB 158 03/14/2023
SB 173 03/14/2023
SB 319 03/20/2023

Executive Action:

SB 23
SB 130
SB 142

HEARING ON SB 143 - Allow for a referendum to terminate citizen initiated zoning district

Opening Statement:

15:01:45 Sen. John Esp (R), SD 30, opened the hearing on SB 143, Allow for a referendum to terminate citizen initiated zoning district.

Proponent Testimony:

15:05:33 Shelby Demars, United Property Owners of Montana

15:06:36 Karen Alley, Montana Association of Counties

15:08:44 Henry Kriegel, Americans for Prosperity

15:09:21 John Ostlund, Yellowstone County Commissioner

Opponent Testimony:

15:11:23 Ann Hedges, Montana Environmental Information Center

15:15:14 Edward Barta, Private Citizen

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

15:17:33 Sen. John Esp (R), SD 30, closed the hearing on SB 143.

15:29:20 Rep. Thane has arrived

HEARING ON SB 158 - Revise family transfer law

Opening Statement:

15:19:20 Sen. Jason Ellsworth (R), SD 43, opened the hearing on SB 158, Revise family transfer law.

Proponent Testimony:

15:24:15 Kenton Hickether, Private Citizen

15:25:55 Terry Nelson, Private Citizen

15:27:58 Rob Arnaud, Private Citizen

15:29:34 Matt Cottle, Private Citizen

Opponent Testimony:

15:31:26 Eric Bryson, Montana Association of Counties

15:33:00 Ann Schwend, Montana Environmental Information Center

15:35:26 Constance Neumann, Private Citizen

15:37:48 Amy Seaman, Montana Audubon

15:39:32 Andrew Hagemeyer, Montana Association of Planners

15:41:47 Tim Worley, Missoula County Planning

Informational Witness Testimony:

None

Questions from Committee:

15:43:44 Rep. Steven Galloway

15:47:05 Vice Chair Jill Cohenour

15:51:54 Rep. Steve Gist

15:54:20 Rep. Steven Galloway

15:57:26 Rep. Laurie Bishop

Closing Statement:

16:02:44 Sen. Jason Ellsworth (R), SD 43, closed the hearing on SB 158.

Opening Statement:

16:06:31 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 173, Revise county road abandonment process laws.

Proponent Testimony:

16:07:39 Roy Rost, Commissioner of Fallon County

16:11:01 Karen Alley, Montana Association of Counties

16:13:24 Joe Briggs, Cascade County Commissioner

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

16:15:47 Rep. Steven Galloway

Closing Statement:

16:16:08 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 173.

HEARING ON SB 319 - Revise laws related to tracts of record

Opening Statement:

16:16:35 Sen. Ellie Boldman (D), SD 45, opened the hearing on SB 319, Revise laws related to tracts of record.

Proponent Testimony:

16:18:56 Tyler Gernant, Missoula County

16:26:12 Tim Worley, Missoula County Planning

16:26:57 Andrew Hagemeyer, Montana Association of Planners

Opponent Testimony:

16:28:58 Bill Gowen, Montana Land Title Association

16:33:44 Ryan Dahlke, Montana Department of Transportation

[EXHIBIT\(230321LOHa1\)](#)

16:38:57 Valerie Wilson, Department of Transportation

16:41:28 Kirk Adkins, Montana Association of Registered of Land Surveyors

Informational Witness Testimony:

None

Questions from Committee:

16:46:43 Rep. Steven Galloway

16:56:03 Rep. Mark Thane

16:59:14 Rep. Steven Galloway

17:00:43 Rep. Laurie Bishop

Closing Statement:

17:02:43 Sen. Ellie Boldman (D), SD 45, closed the hearing on SB 319.

17:06:18 **Recessed**

17:26:38 **Reconvened**

EXECUTIVE ACTION ON SB 23 - Require county to approve certain condominiums

17:26:59 **Motion:** Rep. Marta Bertoglio moved that **SB 23 BE CONCURRED IN.**

17:26:59 **Vote:** Motion carried unanimously by voice vote.

17:26:59 **Carrier Assigned:** Rep. Steven Galloway

EXECUTIVE ACTION ON SB 130 - Allow for a county consolidated land use board

17:28:09 **Motion:** Rep. Marta Bertoglio moved that **SB 130 BE CONCURRED IN.**

17:28:09 **Vote:** Motion carried unanimously by voice vote.

17:28:09 **Carrier Assigned:** Rep. Katie Zolnikov

EXECUTIVE ACTION ON SB 142 - Provide oversight of local impact fee laws

17:29:56 **Motion:** Rep. Marta Bertoglio moved that **SB 142 BE CONCURRED IN.**

Discussion:

17:29:58 Vice Chair Jill Cohenour

17:30:15 **Motion:** Rep. Jill Cohenour moved that **SB 142 BE AMENDED.**

Discussion:

17:30:31 Rep. Steven Galloway

17:30:41 Vice Chair Jill Cohenour

17:30:59 Vice Chair Marta Bertoglio

17:30:15 **Vote:** Motion failed 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting yes.

17:53:26 **Motion:** Rep. Marta Bertoglio moved that **SB 142 BE CONCURRED IN.**

17:53:26 **Vote:** Motion carried 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting no.

17:53:26 **Carrier Assigned:** Rep. Scot Kerns

ADJOURNMENT

Adjournment: 17:34:48

Heather Kellum, Secretary

Additional Documents: [EXHIBIT\(230321LOHaad\)](#)

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) LOCAL GOVERNMENT

Call to Order: Chair Marta Bertoglio-R, on March 25, 2023 at 9:04 AM, in 472

ROLL CALL

Members Present: Rep. Larry Brewster, Chair (R)
Rep. Marta Bertoglio, Vice Chair (R)
Rep. Jill Cohenour, Vice Chair (D)
Rep. Sherry Essmann (R)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Scot Kerns (R)
Rep. Kelly Kortum (D)
Rep. Jennifer Lynch (D)
Rep. Kerri Seekins-Crowe (R)
Rep. Courtenay Sprunger (R)
Rep. Mark Thane (D)

Members Excused: Rep. Laurie Bishop (D)
Rep. Steve Gunderson (R)
Rep. Linda Reksten (R)
Rep. Katie Zolnikov (R)

Staff Present: Heather Kellum, Secretary
Laura Sankey Keip, Research Analyst

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

SB 170 03/23/2023
SB 195 03/23/2023
SB 391 03/23/2023
SB 406 03/23/2023
SB 407 03/23/2023
SB 500 03/23/2023

Executive Action:

SB 131

SB 152

SB 199

SB 143

SB 173

SB 158

SB 391

HEARING ON SB 170 - Allow for administrative minor subdivision process

Opening Statement:

09:06:27 Sen. Forrest Mandeville (R), SD 57, opened the hearing on SB 170, Allow for administrative minor subdivision process.

Proponent Testimony:

09:10:45 Andrew Hagemeyer, Montana Association of Planners

09:13:20 Sam Sill, Montana Association of Realtors

09:14:34 Kelly Lynch, Montana League of Cities and Towns

09:15:01 Eric Bryson, Montana Association of Counties

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:15:47 Rep. Steven Galloway

Closing Statement:

09:16:18 Sen. Forrest Mandeville (R), SD 57, closed the hearing on SB 170.

09:25:33 Rep. Gunderson has arrived

HEARING ON SB 407 - Revise municipal zoning laws

Opening Statement:

09:17:45 Sen. Shane Morigeau (D), SD 95, opened the hearing on SB 407, Revise municipal zoning laws.

Proponent Testimony:

09:20:10 Sam Sill, Montana Association of Realtors

Opponent Testimony:

09:20:56 Kelly Lynch, Montana League of Cities and Towns

09:22:47 Steve Turkiewicz, City of Billings

Informational Witness Testimony:

None

Questions from Committee:

09:23:40 Rep. Steve Gist

09:25:29 Rep. Courtenay Sprunger

09:27:34 Vice Chair Jill Cohenour

09:30:29 Rep. Mark Thane

Closing Statement:

09:33:58 Sen. Shane Morigeau (D), SD 95, closed the hearing on SB 407.

HEARING ON SB 391 - Providing partial salary or light duty for injured county detention officers

Opening Statement:

09:34:43 Sen. Barry Usher (R), SD 40, opened the hearing on SB 391, Providing partial salary or light duty for injured county detention officers.

Discussion:

[EXHIBIT\(230325LOHa1\)](#)

Proponent Testimony:

09:36:47 Nanette Gilbertson, Montana Sheriffs and Peace Officer's Association

09:38:35 Claire Swain, Lewis and Clark County's Sheriff's Office

09:42:38 Jennifer Root, Flathead County Sheriff's Office

09:44:29 Daniel Bruno, Lewis and Clark Sheriff's Office

09:45:37 Eric Bryson, Montana Association of Counties

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:47:08 Rep. Steve Gist

09:48:35 Rep. Scot Kerns

Closing Statement:

09:50:08 Sen. Barry Usher (R), SD 40, closed the hearing on SB 391.

HEARING ON SB 406 - Revise laws related to local building codes

Opening Statement:

09:51:46 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 406, Revise laws related to local building codes.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

09:55:03 Eric Copeland, Department of Labor and Industry

Questions from Committee:

09:55:46 Vice Chair Jill Cohenour

09:59:43 Rep. Steve Gist

10:00:33 Rep. Courtenay Sprunger

10:01:41 Rep. Mark Thane

10:03:15 Rep. Steven Galloway

Closing Statement:

10:05:57 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 406.

10:20:37 Rep. Bishop has arrived

HEARING ON SB 195 - Exempt certain structures from building code fire sprinkler requirement

Opening Statement:

10:07:24 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 195, Exempt certain structures from building code fire sprinkler requirement.

Proponent Testimony:

10:10:38 Sam Forstag, Montana Coalition to Solve Homelessness

10:12:20 Felicia Burg, Private Citizen

10:14:07 Lisa Donnot, Family Promise

10:17:47 Stephanie Baucus, Private Citizen

10:21:26 Tim Tatarka, Family Promise

Opponent Testimony:

None

Informational Witness Testimony:

10:24:21 Eric Copeland, Department of Labor and Industry

Questions from Committee:

10:24:53 Rep. Steven Galloway

10:25:40 Rep. Scot Kerns

10:30:02 Rep. Steve Gist

10:30:57 Rep. Steven Galloway

10:33:46 Rep. Sherry Essmann

Closing Statement:

10:35:06 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 195.

HEARING ON SB 500 - Provide uniform duration limit for latecomer agreements

Opening Statement:

10:36:10 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 500, Provide uniform duration limit for latecomer agreements.

Proponent Testimony:

10:38:36 Sen. Ellie Boldman, SD 45

Opponent Testimony:

10:45:56 Kelly Lynch, Montana League of Cities and Towns

10:48:15 Sam Sill, Montana Association of Realtors

10:50:12 Sam Forstag, Cities of Missoula and Bozeman

10:50:50 Amy Grmoljez, Montana Bankers Association

Informational Witness Testimony:

None

Questions from Committee:

10:53:27 Vice Chair Jill Cohenour

10:54:21 Rep. Kerri Seekins-Crowe

10:57:10 Rep. Scot Kerns

10:59:35 Rep. Laurie Bishop

11:01:29 Rep. Courtenay Sprunger

Closing Statement:

11:03:41 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 500.

11:05:42 **Recessed**

11:29:24 **Reconvened**

EXECUTIVE ACTION ON SB 131 - Revise exempt subdivision review timelines

11:29:37 **Motion:** Rep. Marta Bertoglio moved that **SB 131 BE CONCURRED IN.**

11:29:37 **Vote:** Motion carried unanimously by voice vote.

11:29:37 **Carrier Assigned:** Rep. Scot Kerns

EXECUTIVE ACTION ON SB 152 - Revise minor subdivision laws

11:30:54 **Motion:** Rep. Marta Bertoglio moved that **SB 152 BE CONCURRED IN.**

Discussion:

11:31:14 Vice Chair Jill Cohenour

11:31:34 Laura Sankey Keip

11:31:40 **Motion:** Rep. Jill Cohenour moved that **SB 152 BE AMENDED.**

11:31:40 **Vote:** Motion carried unanimously by voice vote.

11:32:09 **Motion:** Rep. Marta Bertoglio moved that **SB 152 BE CONCURRED IN AS AMENDED.**

11:32:09 **Vote:** Motion carried unanimously by voice vote.

11:32:09 **Carrier Assigned:** Rep. Steven Galloway

EXECUTIVE ACTION ON SB 199 - Revise eligibility for resort communities and resort areas

11:32:49 **Motion:** Rep. Marta Bertoglio moved that **SB 199 BE CONCURRED IN.**

11:32:49 **Vote:** Motion carried 13 - 3 by voice vote with Rep. Kerns, Rep. Kortum, Rep. Lynch, voting no.

11:32:49 **Carrier Assigned:** Rep. Linda Reksten

EXECUTIVE ACTION ON SB 143 - Allow for a referendum to terminate citizen initiated zoning district

11:34:40 **Motion:** Rep. Marta Bertoglio moved that **SB 143 BE CONCURRED IN.**

Discussion:

11:35:01 Vice Chair Jill Cohenour

11:35:35 Rep. Scot Kerns

11:36:10 Vice Chair Jill Cohenour

11:36:39 **Motion:** Rep. Jill Cohenour moved that **SB 143 BE AMENDED.**

Discussion:

11:37:03 Rep. Steven Galloway

11:37:27 Rep. Scot Kerns

11:36:39 **Vote:** Motion failed 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting yes.

11:38:35 **Motion:** Rep. Marta Bertoglio moved that **SB 143 BE CONCURRED IN.**

11:38:35 **Vote:** Motion carried 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting no.

11:38:35 **Carrier Assigned:** Rep. Katie Zolnikov

EXECUTIVE ACTION ON SB 173 - Revise county road abandonment process laws

11:40:04 **Motion:** Rep. Marta Bertoglio moved that **SB 173 BE CONCURRED IN.**

11:40:04 **Vote:** Motion carried unanimously by voice vote.

11:40:04 **Carrier Assigned:** Rep. Steve Gist

EXECUTIVE ACTION ON SB 158 - Revise family transfer law

11:41:05 **Motion:** Rep. Marta Bertoglio moved that **SB 158 BE CONCURRED IN.**

11:41:05 **Vote:** Motion carried 12 - 4 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Lynch, Rep. Thane, voting no.

11:41:05 **Carrier Assigned:** Rep. Larry Brewster

EXECUTIVE ACTION ON SB 391 - Providing partial salary or light duty for injured county detention officers

11:44:07 **Motion:** Rep. Marta Bertoglio moved that **SB 391 BE CONCURRED IN.**

11:44:07 **Vote:** Motion carried unanimously by voice vote.

11:44:07 **Carrier Assigned:** Rep. Sherry Essmann

ADJOURNMENT

Adjournment: 11:48:00

Heather Kellum, Secretary

Additional Documents: [EXHIBIT\(230325LOHaad\)](#)